

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

VERONICA NIXON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-24-00929-JD
)	
LUSVIA ORTEGA,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Suzanne Mitchell’s Report and Recommendation [Doc. No. 4] recommending that Plaintiff’s Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] be denied. Judge Mitchell advised Ms. Nixon of her right to file an objection to the Report and Recommendation with the Clerk of Court by September 26, 2024, and that failure to timely object to the Report and Recommendation waives the right to appellate review of both factual and legal issues contained in the Report and Recommendation. [Doc. No. 4 at 4]. *See also* 28 U.S.C. § 636.

The record reflects that Ms. Nixon did not file an objection to the Report and Recommendation by the deadline or request an extension of time to do so.¹

¹ The Court’s record reflects that the Report and Recommendation of September 12, 2024, was mailed to Plaintiff at her provided address and returned to the Court as undeliverable. *See* [Doc. Nos. 4, 5]. However, Plaintiff is responsible for notifying the Court of any change of address, and “[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court.” LCvR5.4; *see* Fed. R. Civ. P. 5(b)(2)(C); *see also Theede v. U.S. Dep’t of Labor*, 172 F.3d 1262, 1267 (10th Cir. 1999) (“The parties are far better situated to know of any errors in their address information,

Upon its review, the Court **ACCEPTS** the Report and Recommendation [Doc. No. 4] in its entirety for the reasons stated therein. Ms. Nixon's Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] is **DENIED**. Plaintiff Veronica Nixon is **ORDERED** to pay the full filing fee to the Clerk of Court within 21 days of this Order, or by **October 21, 2024**, or this action will be dismissed without prejudice, without further warning by the Court.

IT IS SO ORDERED this 30th day of September 2024.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE

thus, they bear the burden of filing notice of a change of address The fact [the plaintiff] is acting pro se does not eliminate this burden.”).